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AUG 15 2007

12 Attorneys for Defendants
13 HSBC MORTGAGE CORPORATION (USA)
14 and HSBC BANK USA, N.A.

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA

17 PHILIP WONG, FREDERIC CHAUSSY,
18 and LESLIE MARIE SHEARN,
19 individually, on behalf of all others
20 similarly situated, and on behalf of the
21 general public,

22 Plaintiffs,

23 v.

24 HSBC MORTGAGE CORPORATION
25 (USA); HSBC BANK USA, N.A.; HSBC
26 HOLDINGS, INC.; and DOES 1 through
27 50, inclusive,

28 Defendants.

Case No. C 07 2446 MMC

**DEFENDANT HSBC MORTGAGE
CORPORATION (USA)'S RESPONSE
TO PLAINTIFFS' INTERROGATORIES
(SET NO. ONE)**



1 PROPOUNDING PARTY: Plaintiffs PHILIP WONG, FREDERIC CHAUSSY, and
2 LESLIE MARIE SHEARN

3 RESPONDING PARTY: Defendant HSBC MORTGAGE CORPORATION (USA)

4 SET NUMBER: ONE

5 Defendant HSBC MORTGAGE CORPORATION (USA) (hereinafter "Defendant")
6 under oath, makes the following answers and objections to the written interrogatories propounded to
7 it by Plaintiffs on July 11, 2007. The answers and objections are made solely for the purpose of this
8 action. Each answer is subject to all objections as to competence, relevance, materiality, propriety,
9 and admissibility, and any and all other objections and grounds that would require the exclusion of
10 any statement if any interrogatories were asked of, or any statements contained herein were made by,
11 a witness present and testifying in court, all of which objections and grounds are reserved and may
12 be interposed at the time of trial.

13 The following answers are based upon information presently available to Defendant
14 and, except for explicit facts admitted herein, no incidental or implied admissions are intended
15 hereby. The fact that Defendant has answered or objected to any interrogatory or part thereof should
16 not be taken as an admission that said Defendant accepts or admits the existence of any facts set
17 forth or assumed by such interrogatories and that such answer or objection constitutes admissible
18 evidence. The fact that Defendant has answered part or all of any interrogatory is not intended and
19 shall not be construed to be a waiver by Defendant of all or any part of any objection to any
20 interrogatory.

21 Defendant objects to each and every such interrogatory to the extent that any or all of
22 the interrogatories call for information: (a) which constitutes information or material prepared in
23 anticipation of litigation or for trial; (b) which constitutes information covered by the work product
24 doctrine; (c) which constitutes information which is privileged by virtue of the attorney-client
25 privilege, or (d) which constitutes information which is privileged or related to confidential trade
26 secrets or the privilege of privacy (including the freedom of association and financial privacy).
27 Defendant thus will not supply or render any information or material protected from discovery by
28

1 virtue of the work product doctrine, the attorney-client privilege, privacy privilege or doctrine
2 protecting trade secret, proprietary or confidential information.

3 The above-stated objections are hereby made applicable to each and all of these
4 interrogatories and are hereby, as to each and all of them, incorporated by reference as if fully set
5 forth therein.

6 **RESPONSE TO INTERROGATORIES**

7 **INTERROGATORY NO. 1:**

8 With respect to the person signing these Interrogatories please identify the person's
9 name, business address, and job title.

10 **RESPONSE TO INTERROGATORY NO. 1:**

11 Defendant incorporates its General Objections as though set forth fully herein.
12 Defendant objects to Plaintiffs' attempt to conduct discovery at this stage in the action as it is
13 premature, inappropriate, unduly burdensome and prejudicial to require Defendant to participate in
14 discovery at this time. Subject to and without waiving the foregoing objections, Defendant responds
15 as follows: Michelle R. Barrett, Shareholder of the law firm Littler Mendelson, P.C., 650 California
16 Street, 20th Floor, San Francisco, California 94108 is signing the responses to these Interrogatories.

17 **INTERROGATORY NO. 2:**

18 Identify all persons who you believe have any information or knowledge with respect
19 to any facts or matters relating to the allegations in the Complaint or your Answer.

20 **RESPONSE TO INTERROGATORY NO. 2:**

21 Defendant incorporates its General Objections as though set forth fully herein.
22 Defendant further objects to this request on the basis of the attorney work product doctrine and the
23 attorney-client privilege. Defendant objects to this interrogatory on the grounds that it is overbroad
24 and not sufficiently limited in scope. Defendant also objects to this interrogatory on the grounds that
25 it is vague and ambiguous with respect to the words and/or phrases "all persons who have any
26 information with respect to any facts or matters." Requesting information from anyone with
27 information in regards to any element of this case is overbroad. Defendant objects on the grounds
28 that Plaintiff's request is unduly burdensome and oppressive. Defendant objects to Plaintiffs'

1 attempt to conduct discovery at this stage in the action as it is premature, inappropriate, unduly
2 burdensome and prejudicial to require Defendant to participate in discovery at this time. Moreover,
3 the request is not ripe because Defendant's Motion to Dismiss, or alternatively, Motion to Strike has
4 not been resolved. Further, Defendant objects to this request as Defendant has not yet answered
5 Plaintiffs' Amended Complaint.

6 **INTERROGATORY NO. 3:**

7 With respect to each person identified in Interrogatory #2, identify and describe what
8 information you believe each person may possess.

9 **RESPONSE TO INTERROGATORY NO. 3:**

10 Defendant incorporates its General Objections as though set forth fully herein.
11 Defendant further objects to this request on the basis of the attorney work product doctrine and the
12 attorney-client privilege. Defendant objects to this interrogatory on the grounds that it is overbroad
13 and not sufficiently limited in scope. Defendant further objects that on the grounds that it is unduly
14 burdensome and oppressive. Defendant objects to Plaintiffs' attempt to conduct discovery at this
15 stage in the action as it is premature, inappropriate, unduly burdensome and prejudicial to require
16 Defendant to participate in discovery at this time. Moreover, the request is not ripe because
17 Defendant's Motion to Dismiss, or alternatively, Motion to Strike has not been resolved. Defendant
18 further objects to this request on the grounds that discovery is not complete and that trial preparation
19 is ongoing, and Defendant cannot reasonably be expected to formulate a complete response at this
20 stage.

21 **INTERROGATORY NO. 4:**

22 Identify all managers responsible for directly supervising Plaintiffs during the
23 applicable statutory period, including for each his/her name, address, telephone number, job title, the
24 Plaintiff(s) supervised by him/her, the location at which he/she supervised each Plaintiff, and the
25 dates he/she supervised each Plaintiff.

26 **RESPONSE TO INTERROGATORY NO. 4:**

27 Defendant incorporates its General Objections as though set forth fully herein.
28 Defendant also objects to this request on the ground that it is overbroad and therefore seeks

information which is neither relevant to the instant action nor reasonably likely to lead to the discovery of admissible evidence. Defendant further objects to this request on the grounds that it is unduly burdensome and oppressive and further calls for a narrative response that could be accomplished through other less burdensome means of discovery. Defendant further objects to this request on the grounds that discovery is not complete and that trial preparation is ongoing, and Defendant cannot reasonably be expected to formulate a complete response at this stage. Defendant objects to this request on the ground that, to the extent it requests addresses and telephone numbers of third parties, it seeks to invade the privacy of third parties without compelling need therefor. Defendant objects to Plaintiffs' attempt to conduct discovery at this stage in the action as it is premature, inappropriate, unduly burdensome and prejudicial to require Defendant to participate in discovery at this time. Moreover, the request is not ripe because Defendant's Motion to Dismiss, or alternatively, Motion to Strike has not been resolved.

INTERROGATORY NO. 4: [SIC]

Identify each position title utilized at Defendant during the statutory period for non-management employees (i.e., employees who, on a day-to-day basis, are not expected to spend greater than 50% of their time engaged in the management of other employees), describe the duties performed by each, and state whether each position is classified as exempt or non-exempt.

RESPONSE TO INTERROGATORY NO. 4: [SIC]

Defendant incorporates its General Objections as though set forth fully herein. Defendant objects on the ground that the phrase and/or term "utilized" is vague and ambiguous. Defendant further objects to this request on the grounds that it is unduly burdensome and oppressive and further calls for a narrative response that could be accomplished through other less burdensome means of discovery. Defendant also objects to this request on the grounds that it calls for legal argument and legal conclusions. Defendant further objects to this request on the grounds that discovery is not complete and that trial preparation is ongoing, and Defendant cannot reasonably be expected to formulate a complete response at this stage. Defendant objects to Plaintiffs' attempt to conduct discovery at this stage in the action as it is premature, inappropriate, unduly burdensome and prejudicial to require Defendant to participate in discovery at this time.

Moreover, the request is not ripe because Defendant's Motion to Dismiss, or alternatively, Motion to Strike has not been resolved.

INTERROGATORY NO. 5: [SIC]

Identify the number of employees employed by Defendant during the statutory period in the following positions:

- a. Senior Retail Mortgage Lending Consultants;
- b. Retail Mortgage Lending Consultants;
- c. Senior Field Administrators; and
- d. Field Administrators.

RESPONSE TO INTERROGATORY NO. 5: [SIC]

Defendant incorporates its General Objections as though set forth fully herein. Defendant objects on the grounds that this request is overbroad. Defendant further objects to this request on the grounds that discovery is not complete and that trial preparation is ongoing, and Defendant cannot reasonably be expected to formulate a complete response at this stage. Defendant objects to this request on the ground that it is compound. Defendant objects to Plaintiffs' attempt to conduct discovery at this stage in the action as it is premature, inappropriate, unduly burdensome and prejudicial to require Defendant to participate in discovery at this time. Moreover, the request is not ripe because Defendant's Motion to Dismiss, or alternatively, Motion to Strike has not been resolved.

INTERROGATORY NO. 6: [SIC]

Identify each employee employed by Defendant during the statutory period in the position titles listed in Interrogatory 5, stating all position titles each employee held and dates of employment of each person in each position.

RESPONSE TO INTERROGATORY NO. 6: [SIC]

Defendant incorporates its General Objections as though set forth fully herein. Defendant also objects to this request on the ground that it is overbroad. Defendant further objects to this request on the grounds that it is unduly burdensome and oppressive and further calls for a narrative response that could be accomplished through other less burdensome means of discovery.

1 Defendant also objects on the ground that discovery is not complete and that trial preparation is
 2 ongoing, and Defendant cannot reasonably be expected to formulate a complete response at this
 3 stage. Defendant objects to Plaintiffs' attempt to conduct discovery at this stage in the action as it is
 4 premature, inappropriate, unduly burdensome and prejudicial to require Defendant to participate in
 5 discovery at this time. Moreover, the request is not ripe because Defendant's Motion to Dismiss, or
 6 alternatively, Motion to Strike has not been resolved. In addition, Defendant objects to this request
 7 to the extent that it requires Defendant to create information not already in existence. Defendant
 8 further objects on the grounds that it is unduly burdensome and oppressive.

9 **INTERROGATORY NO. 7: [SIC]**

10 Identify each of Defendant's branch/store locations at which Senior Retail Mortgage
 11 Lending Consultants, Retail Mortgage Lending Consultants, Senior Field Administrators, and Field
 12 Administrators have been employed during the statutory period, the date each branch/store opened,
 13 and if the branch/store location is no longer open, the date it closed.

14 **RESPONSE TO INTERROGATORY NO. 7: [SIC]**

15 Defendant incorporates its General Objections as though set forth fully herein.
 16 Defendant objects on the grounds that this request is overbroad and therefore seeks information
 17 which is neither relevant to the instant action nor reasonably likely to lead to the discovery of
 18 admissible evidence. Defendant further objects on the grounds that it is unduly burdensome and
 19 oppressive and further calls for a narrative response that could be accomplished through other less
 20 burdensome means of discovery. Defendant also objects on the ground that discovery is not
 21 complete and that trial preparation is ongoing, and Defendant cannot reasonably be expected to
 22 formulate a complete response at this stage. Defendant objects to Plaintiffs' attempt to conduct
 23 discovery at this stage in the action as it is premature, inappropriate, unduly burdensome and
 24 prejudicial to require Defendant to participate in discovery at this time. Moreover, the request is not
 25 ripe because Defendant's Motion to Dismiss, or alternatively, Motion to Strike has not been
 26 resolved.

27 **INTERROGATORY NO. 8: [SIC]**

28 For each branch/store location, identify the location of all notices, if any, posted by

1 Defendants explaining to their employees the Fair Labor Standards Act.

2 **RESPONSE TO INTERROGATORY NO. 8: [SIC]**

3 Defendant incorporates its General Objections as though set forth fully herein.
4 Defendant also objects to this request on the ground that it is overbroad and therefore seeks
5 information which is neither relevant to the instant action nor reasonably likely to lead to the
6 discovery of admissible evidence. Defendant further objects to this request on the grounds that it is
7 unduly burdensome and oppressive. Defendant objects on the ground that the phrases and/or terms
8 "location," "Defendants" and "notices" are vague and ambiguous. Defendant also objects on the
9 ground that discovery is not complete and that trial preparation is ongoing, and Defendant cannot
10 reasonably be expected to formulate a complete response at this stage. Defendant objects to
11 Plaintiffs' attempt to conduct discovery at this stage in the action as it is premature, inappropriate,
12 unduly burdensome and prejudicial to require Defendant to participate in discovery at this time.
13 Moreover, the request is not ripe because Defendant's Motion to Dismiss, or alternatively, Motion to
14 Strike has not been resolved.

15 **INTERROGATORY NO. 9: [SIC]**

16 Identify and describe Defendant's date of incorporation, State of incorporation,
17 subsidiaries and parent company(ies) [This request includes the name, date of incorporation, State of
18 incorporation of each subsidiary and parent company].

19 **RESPONSE TO INTERROGATORY NO. 9: [SIC]**

20 Defendant incorporates its General Objections as though set forth fully herein.
21 Defendant objects on the grounds that this information is equally available to Plaintiff as a matter of
22 public record. Defendant also objects to this request on the ground that it is overbroad and therefore
23 seeks information which is neither relevant to the instant action nor reasonably likely to lead to the
24 discovery of admissible evidence. Defendant objects to Plaintiffs' attempt to conduct discovery at
25 this stage in the action as it is premature, inappropriate, unduly burdensome and prejudicial to
26 require Defendant to participate in discovery at this time. Moreover, the request is not ripe because
27 Defendant's Motion to Dismiss, or alternatively, Motion to Strike has not been resolved.

28

INTERROGATORY NO. 10: [SIC]

For the statutory period, state the average weekly compensation that Defendant paid to Senior Retail Mortgage Lending Consultants, Retail Mortgage Lending Consultants, Senior Field Administrators, and Field Administrators.

RESPONSE TO INTERROGATORY NO. 10: [SIC]

Defendant incorporates its General Objections as though set forth fully herein. Defendant objects on the grounds that the request for average weekly compensation is overbroad and does not narrowly define the regions, offices, or individuals whose information would be pertinent to this lawsuit. Defendant further objects to this request on the grounds that it is unduly burdensome and oppressive and further calls for a narrative response that could be accomplished through other less burdensome means of discovery. Defendant further objects to this request on the ground that the financial information sought is privileged and confidential under the constitutional right of privacy. Defendant also objects on the ground that discovery is not complete and that trial preparation is ongoing, and Defendant cannot reasonably be expected to formulate a complete response at this stage. Defendant objects to Plaintiffs' attempt to conduct discovery at this stage in the action as it is premature, inappropriate, unduly burdensome and prejudicial to require Defendant to participate in discovery at this time. Moreover, the request is not ripe because Defendant's Motion to Dismiss, or alternatively, Motion to Strike has not been resolved.

INTERROGATORY NO. 11: [SIC]

Identify all persons, by name, job title, dates of employment, and current job status, whose job included responsibility for determining, company-wide, Defendant's compliance with wage and hour laws during the last six years.

RESPONSE TO INTERROGATORY NO. 11: [SIC]

Defendant incorporates its General Objections as though set forth fully herein. Defendant further objects to this request on the basis of the attorney work product doctrine and the attorney-client privilege. Defendant objects on the ground that the words and/or phrases "responsibility for determining" and "compliance" is vague and ambiguous. Defendant also objects to this request on the ground that it is overbroad and therefore seeks information which is neither

relevant to the instant action nor reasonably likely to lead to the discovery of admissible evidence. Defendant also objects to this request on the grounds that it calls for legal argument and legal conclusions. Defendant further objects to this request on the ground that it seeks information which is equally available to Plaintiff. Defendant objects to Plaintiffs' attempt to conduct discovery at this stage in the action as it is premature, inappropriate, unduly burdensome and prejudicial to require Defendant to participate in discovery at this time. Moreover, the request is not ripe because Defendant's Motion to Dismiss, or alternatively, Motion to Strike has not been resolved.

INTERROGATORY NO. 12: [SIC]

To the extent that Defendant is relying on attorney advice for any good faith defense to liquidated damages and willful conduct, identify the attorney(s), and describe all conversations and correspondence that were relied upon.

RESPONSE TO INTERROGATORY NO. 12: [SIC]

Defendant incorporates its General Objections as though set forth fully herein. Defendant objects to this request on the grounds that the information requested is protected by the attorney-client privilege and/or work product doctrine. Defendant also objects on the grounds that the words and/or phrases "relying" and "attorney advice" are vague and ambiguous. Defendant also objects to this request on the ground that it is premature and therefore seeks information which is neither relevant to the instant action nor reasonably likely to lead to the discovery of admissible evidence. Defendant also objects to this request on the grounds that it calls for legal argument and legal conclusions. Additionally, Defendant objects to this request on the grounds that the information sought seeks defense counsel's legal analysis and theories regarding the law. Defendant objects to Plaintiffs' attempt to conduct discovery at this stage in the action as it is premature, inappropriate, unduly burdensome and prejudicial to require Defendant to participate in discovery at this time. Moreover, the request is not ripe because Defendant's Motion to Dismiss, or alternatively, Motion to Strike has not been resolved.

INTERROGATORY NO. 13: [SIC]

Identify and describe all written administrative regulations, orders, rulings, approvals, or interpretations or administrative practice or enforcement policies relied upon by Defendant in

1 justifying their method of compensating Senior Retail Mortgage Lending Consultants, Retail
2 Mortgage Lending Consultants, Senior Field Administrators, and Field Administrators.

3 **RESPONSE TO INTERROGATORY NO. 13: [SIC]**

4 Defendant incorporates its General Objections as though set forth fully herein.
5 Defendant objects to this request on the grounds that the information requested is protected by the
6 attorney-client privilege and/or work product doctrine. Defendant also objects to this request on the
7 ground that it is premature and therefore seeks information which is neither relevant to the instant
8 action nor reasonably likely to lead to the discovery of admissible evidence. Defendant also objects
9 to this request on the grounds that it calls for legal argument and legal conclusions. Additionally,
10 Defendant objects to this request on the grounds that the information sought seeks defense counsel's
11 legal analysis and theories regarding the law. Defendant objects on the grounds that the terms and/or
12 phrases "practice or enforcement policies," "relied upon," and "justified" are vague and ambiguous.
13 Defendant also objects on the ground that discovery is not complete and that trial preparation is
14 ongoing, and Defendant cannot reasonably be expected to formulate a complete response at this
15 stage. Defendant objects to Plaintiffs' attempt to conduct discovery at this stage in the action as it is
16 premature, inappropriate, unduly burdensome and prejudicial to require Defendant to participate in
17 discovery at this time. Moreover, the request is not ripe because Defendant's Motion to Dismiss, or
18 alternatively, Motion to Strike has not been resolved.

19 **INTERROGATORY NO. 14: [SIC]**

20 Identify all judicial or other administrative proceedings, lawsuits, investigations, or
21 inquiries of any kind of Defendant relating to employees' wages or hours worked, including but not
22 limited to any investigation conducted by any state or federal wage and hour department.

23 **RESPONSE TO INTERROGATORY NO. 14: [SIC]**

24 Defendant incorporates its General Objections as though set forth fully
25 herein. Defendant further objects to this request on the basis of the attorney work product doctrine
26 and the attorney-client privilege. Defendant also objects to this request on the ground that it is
27 overbroad and therefore seeks information which is neither relevant to the instant action nor
28 reasonably likely to lead to the discovery of admissible evidence. Defendant objects on the ground

1 that the phrases and/or terms "investigations," "inquiries," "of any kind of Defendant" are vague and
2 ambiguous. Defendant objects to this request on the ground that it is unintelligible. Defendant
3 objects to Plaintiffs' attempt to conduct discovery at this stage in the action as it is premature,
4 inappropriate, unduly burdensome and prejudicial to require Defendant to participate in discovery at
5 this time. Moreover, the request is not ripe because Defendant's Motion to Dismiss, or alternatively,
6 Motion to Strike has not been resolved.

7 **INTERROGATORY NO. 15: [SIC]**

8 Identify any and all exhibits that may be introduced at trial or used as exhibits in
9 deposition.

10 **RESPONSE TO INTERROGATORY NO. 15: [SIC]**

11 Defendant incorporates its General Objections as though set forth fully herein.
12 Defendant further objects to this request on the basis of the attorney work product doctrine and the
13 attorney-client privilege. Defendant further objects to this request on the grounds that it is unduly
14 burdensome and oppressive and further calls for a narrative response that could be accomplished
15 through other less burdensome means of discovery. Defendant objects to this request on the grounds
16 that the information sought seeks defense counsel's legal analysis and theories regarding the law.
17 Defendant also objects on the ground that discovery is not complete and that trial preparation is
18 ongoing, and Defendant cannot reasonably be expected to formulate a complete response at this
19 stage. Defendant objects to Plaintiffs' attempt to conduct discovery at this stage in the action as it is
20 premature, inappropriate, unduly burdensome and prejudicial to require Defendant to participate in
21 discovery at this time. Moreover, the request is not ripe because Defendant's Motion to Dismiss, or
22 alternatively, Motion to Strike has not been resolved.

23 **INTERROGATORY NO. 16: [SIC]**

24 Identify any and all witnesses who may be called at trial.

25 **RESPONSE TO INTERROGATORY NO. 16: [SIC]**

26 Defendant incorporates its General Objections as though set forth fully herein.
27 Defendant further objects to this request on the basis of the attorney work product doctrine and the
28 attorney-client privilege. Defendant also objects on the ground that discovery is not complete and

1 that trial preparation is ongoing, and Defendant cannot reasonably be expected to formulate a
2 complete response at this stage. Defendant objects to this request on the grounds that the
3 information sought seeks defense counsel's legal analysis and theories regarding the law. Defendant
4 objects to Plaintiffs' attempt to conduct discovery at this stage in the action as it is premature,
5 inappropriate, unduly burdensome and prejudicial to require Defendant to participate in discovery at
6 this time. Moreover, the request is not ripe because Defendant's Motion to Dismiss, or alternatively,
7 Motion to Strike has not been resolved.

8 **INTERROGATORY NO. 17: [SIC]**

9 Identify any expert witness you may call at trial and provide the facts known or
10 opinions held by the expert consistent with Rule 26(b)(4) of the Federal Rules of Civil Procedure.

11 **RESPONSE TO INTERROGATORY NO. 17: [SIC]**

12 Defendant incorporates its General Objections as though set forth fully herein.
13 Defendant further objects to this request on the basis of the attorney work product doctrine and the
14 attorney-client privilege. Defendant further objects to this request on the grounds that it is unduly
15 burdensome and oppressive and further calls for a narrative response that could be accomplished
16 through other less burdensome means of discovery. Defendant objects to this request on the grounds
17 that the information sought seeks defense counsel's legal analysis and theories. Defendant also
18 objects on the ground that discovery is not complete and that trial preparation is ongoing, and
19 Defendant cannot reasonably be expected to formulate a complete response at this stage. Defendant
20 objects to Plaintiffs' attempt to conduct discovery at this stage in the action as it is premature,
21 inappropriate, unduly burdensome and prejudicial to require Defendant to participate in discovery at
22 this time. Moreover, the request is not ripe because Defendant's Motion to Dismiss, or alternatively,
23 Motion to Strike has not been resolved.

24 **INTERROGATORY NO. 18: [SIC]**

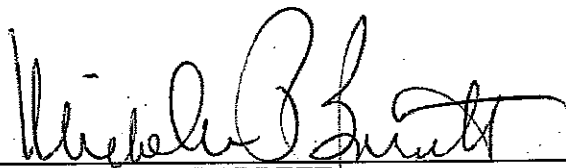
25 Describe in detail the process in which Defendant classified Senior Retail Mortgage
26 Lending Consultants, Retail Mortgage Lending Consultants, Senior Field Administrators, and Field
27 Administrators as exempt and/or non-exempt employees, including when the decision was made, the
28 reason(s) for the decision, identification of those involved in the decision-making process, and the

1 information relied upon in making the decision.

2 **RESPONSE TO INTERROGATORY NO. 18: [SIC]**

3 Defendant incorporates its General Objections as though set forth fully herein.
 4 Defendant further objects to this request on the basis of the attorney work product doctrine and the
 5 attorney-client privilege. Defendant also objects to this request on the ground that it is overbroad
 6 and therefore seeks information which is neither relevant to the instant action nor reasonably likely
 7 to lead to the discovery of admissible evidence. Defendant objects on the ground that the phrases
 8 and/or terms "process," "decision-making process" and "relied upon" are vague and ambiguous.
 9 Defendant also objects to this request on the grounds that it calls for legal argument and legal
 10 conclusions. Defendant objects to this request on the grounds that the information sought seeks
 11 defense counsel's legal analysis and theories regarding the law. Defendant also objects on the
 12 ground that discovery is not complete and that trial preparation is ongoing, and Defendant cannot
 13 reasonably be expected to formulate a complete response at this stage. Defendant objects to this
 14 request on the ground that it is compound. Defendant objects to Plaintiffs' attempt to conduct
 15 discovery at this stage in the action as it is premature, inappropriate, unduly burdensome and
 16 prejudicial to require Defendant to participate in discovery at this time. Moreover, the request is not
 17 ripe because Defendant's Motion to Dismiss, or alternatively, Motion to Strike has not been
 18 resolved.

19 Dated: August 13, 2007

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 21 
 22 MICHELLE R. BARRETT
 23 LITTLER MENDELSON
 24 A Professional Corporation
 25 Attorneys for Defendants
 26 HSBC MORTGAGE CORPORATION (USA)
 27 and HSBC BANK USA, N.A.

28 Firmwide: 82789884.2 023404.1043

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AUG 15 2007

12 Attorneys for Defendants
13 HSBC MORTGAGE CORPORATION (USA)
14 and HSBC BANK USA, N.A.

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA

17 PHILIP WONG, FREDERIC CHAUSSY,
18 and LESLIE MARIE SHEARN,
19 individually, on behalf of all others
20 similarly situated, and on behalf of the
21 general public,

22 Plaintiffs,

23 v.

24 HSBC MORTGAGE CORPORATION
25 (USA); HSBC BANK USA, N.A.; HSBC
26 HOLDINGS, INC.; and DOES 1 through
27 50, inclusive,

28 Defendants.

Case No. C 07 2446 MMC

**DEFENDANT HSBC MORTGAGE
CORPORATION (USA)'S RESPONSE
TO PLAINTIFFS' REQUESTS FOR
PRODUCTION (SET NO. ONE)**

1 PROPOUNDING PARTY: Plaintiffs PHILIP WONG, FREDERIC CHAUSSY, and
2 LESLIE MARIE SHEARN

3 RESPONDING PARTY: Defendant HSBC MORTGAGE CORPORATION (USA)

4 SET NUMBER: ONE

5 Defendant HSBC MORTGAGE CORPORATION (USA) (hereinafter "Defendant")
6 hereby makes the following Response (including objections) to Plaintiffs' Request for Production of
7 Documents. This Response is made solely for purposes of this action. Each response and/or
8 production is subject to all objections as to competence, relevance, materiality, propriety and
9 admissibility, and any and all other objections and grounds which would require the exclusion of any
10 statements contained herein, if such statements were made by a witness present and testifying at
11 court, all of which objections and grounds are reserved and may be interposed at the time of trial.

12 The following Response is based upon information presently available to Defendant.
13 Defendant is not making any incidental or implied admissions regarding the contents of these
14 documents. The fact that Defendant has responded or objected to any request or part thereof should
15 not be taken as an admission that Defendant accepts or admits the existence of any fact set forth or
16 assumed by Plaintiffs' request, or that such response or objection constitutes admissible evidence.
17 The fact that Defendant has answered part or all of any request is not intended and shall not be
18 construed to be a waiver by Defendant of all or any part of any objections to any request.

19 Defendant objects to each and every such interrogatory to the extent that any or all of
20 the requests call for information: (a) which constitutes information or material prepared in
21 anticipation of litigation or for trial; (b) which constitutes information covered by the work product
22 doctrine; (c) which constitutes information which is privileged by virtue of the attorney-client
23 privilege, or (d) which constitutes information which is privileged or related to confidential trade
24 secrets or the privilege of privacy (including the freedom of association and financial privacy).
25 Defendant thus will not supply or render any information or material protected from discovery by
26 virtue of the work product doctrine, the attorney-client privilege, privacy privilege or doctrine
27 protecting trade secret, proprietary or confidential information.

1 All of the responses made herein are made subject to the objections stated above and
2 any further objection specifically stated.

3 **RESPONSES TO REQUEST FOR PRODUCTION**

4 **REQUEST FOR PRODUCTION NO. 1:**

5 A list, in Excel format, of all persons employed by Defendant as Senior Retail
6 Mortgage Lending Consultants, Retail Mortgage Lending Consultants, Senior Field Administrators,
7 and/or Field Administrators at any of Defendant's locations within the applicable statutory period,
8 including for each his/her name, address, telephone number, dates of employment as a Senior Retail
9 Mortgage Lending Consultants, Retail Mortgage Lending Consultants, Senior Field Administrators,
10 and/or Field Administrators, location of employment, employee number, and last four digits of their
11 social security number. For this Request, the relevant statutory period begins six years prior to the
12 date of the filing of this complaint for New York employees, four years for California employees,
13 and three years elsewhere, and continues until the present.

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 1:**

15 Defendant incorporates its General Objections as though set forth fully herein. In
16 addition, Defendant objects to this request on the ground that, to the extent it requests addresses and
17 telephone numbers of third parties, it seeks to invade the privacy interest of third parties without
18 compelling need therefore. Defendant also objects on the ground that discovery is not complete and
19 that trial preparation is ongoing, and Defendant cannot reasonably be expected to formulate a
20 complete response at this stage. Defendant also objects to this request on the ground that it is
21 overbroad and therefore seeks information about individuals who are not yet confirmed as parties to
22 this lawsuit. Defendant objects to this request to the extent that it requires Defendant to create
23 information not already in existence. Defendant objects to Plaintiffs' attempt to conduct discovery
24 at this stage in the action as it is premature, inappropriate, unduly burdensome and prejudicial to
25 require Defendant to participate in discovery at this time. Moreover, the request is not ripe because
26 Defendant's Motion to Dismiss, or alternatively, Motion to Strike has not been resolved.

27 Subject to and without waiving the foregoing objections, Defendant responds as
28 follows: Defendant agrees to provide named Plaintiffs with an Excel document identifying named

1 Plaintiffs, their job titles, dates of employment as a Senior Retail Mortgage Lending Consultant,
2 Retail Mortgage Lending Consultant, Senior Field Administrator, and/or Field Administrator,
3 location of employment, and employee number.

4 **REQUEST FOR PRODUCTION NO. 2:**

5 Plaintiffs' personnel files.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 2:**

7 Defendant incorporates its General Objections as though set forth fully herein. In
8 addition, Defendant objects to this request on the ground that, to the extent it requests addresses and
9 telephone numbers of third parties, it seeks to invade the privacy interest of third parties without
10 compelling need therefore. Defendant further objects to this request on the ground that the financial
11 information sought is privileged and confidential under the constitutional right of privacy.
12 Defendant also objects on the ground that discovery is not complete and that trial preparation is
13 ongoing, and Defendant cannot reasonably be expected to formulate a complete response at this
14 stage. Defendant also objects to this request on the ground that it is overbroad and therefore seeks
15 information about individuals who are not yet confirmed as parties to this lawsuit. Defendant
16 objects on the ground that the phrase and/or term "personnel files" is vague and ambiguous.
17 Defendant objects to Plaintiffs' attempt to conduct discovery at this stage in the action as it is
18 premature, inappropriate, unduly burdensome and prejudicial to require Defendant to participate in
19 discovery at this time. Moreover, the request is not ripe because Defendant's Motion to Dismiss, or
20 alternatively, Motion to Strike has not been resolved.

21 Subject to and without waiving the foregoing objections, Defendant responds as
22 follows: Defendant agrees to provide named Plaintiffs' personnel files.

23 **REQUEST FOR PRODUCTION NO. 3:**

24 A list, in Excel format, of all persons employed by Defendant at the locations in
25 which Plaintiffs worked, including for each his/her name, address, telephone number, job title, dates
26 of employment, location of employment, and current employment status.

RESPONSE TO REQUEST FOR PRODUCTION NO. 3:

Defendant incorporates its General Objections as though set forth fully herein. In addition, Defendant objects to this request on the ground that, to the extent it requests addresses and telephone numbers of third parties, it seeks to invade the privacy interest of third parties without compelling need therefore. Defendant also objects on the grounds that it is unduly burdensome and oppressive and therefore seeks information which is neither relevant to the instant action nor reasonably likely to lead to the discovery of admissible evidence. Defendant also objects on the ground that discovery is not complete and that trial preparation is ongoing, and Defendant cannot reasonably be expected to formulate a complete response at this stage. Defendant also objects to this request on the ground that it is overbroad and therefore seeks information about individuals who are not yet confirmed as parties to this lawsuit. Defendant objects to this request to the extent that it requires Defendant to create information not already in existence. Defendant objects to Plaintiffs' attempt to conduct discovery at this stage in the action as it is premature, inappropriate, unduly burdensome and prejudicial to require Defendant to participate in discovery at this time. Moreover, the request is not ripe because Defendant's Motion to Dismiss, or alternatively, Motion to Strike has not been resolved.

REQUEST FOR PRODUCTION NO. 4:

A list, in Excel format, of all persons employed by Defendant responsible for directly supervising Senior Retail Mortgage Lending Consultants, Retail Mortgage Lending Consultants, Senior Field Administrators, and/or Field Administrators during the applicable statutory period, including for each his/her name, address, telephone number, job title, dates of employment in that position, location managed, and current employment status.

RESPONSE TO REQUEST FOR PRODUCTION NO. 4:

Defendant incorporates its General Objections as though set forth fully herein. In addition, Defendant objects to this request on the ground that, to the extent it requests addresses and telephone numbers of third parties, it seeks to invade the privacy interest of third parties without compelling need therefore. Defendant also objects on the grounds that it is unduly burdensome and oppressive and therefore seeks information which is neither relevant to the instant action nor

1 reasonably likely to lead to the discovery of admissible evidence. Defendant also objects on the
 2 ground that discovery is not complete and that trial preparation is ongoing, and Defendant cannot
 3 reasonably be expected to formulate a complete response at this stage. Defendant also objects to this
 4 request on the ground that it is overbroad and therefore seeks information related to individuals who
 5 are not yet confirmed as parties to this lawsuit. Defendant objects to this request to the extent that it
 6 requires Defendant to create information not already in existence. Defendant objects to Plaintiffs'
 7 attempt to conduct discovery at this stage in the action as it is premature, inappropriate, unduly
 8 burdensome and prejudicial to require Defendant to participate in discovery at this time. Moreover,
 9 the request is not ripe because Defendant's Motion to Dismiss, or alternatively, Motion to Strike has
 10 not been resolved.

11 Subject to and without waiving the foregoing objections, Defendant responds as
 12 follows: Defendant agrees to provide named Plaintiffs with an Excel document identifying all
 13 persons employed by Defendant responsible for directly supervising named Plaintiffs. This list shall
 14 include the supervisors' names, job titles, dates of employment in that position, location managed (if
 15 any), and current employment status.

16 **REQUEST FOR PRODUCTION NO. 5:**

17 A list, in Excel format, of all persons employed by Defendant responsible for directly
 18 supervising, during the statutory period, those deemed responsible for supervising Senior Retail
 19 Mortgage Lending Consultants, Retail Mortgage Lending Consultants, Senior Field Administrators,
 20 and/or Field Administrators identified in Interrogatory No. 4 above, including for each his/her name,
 21 address, telephone number, job title, dates of employment in that position, area or region managed,
 22 and current employment status.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 5:**

24 Defendant incorporates its General Objections as though set forth fully herein. In
 25 addition, Defendant objects to this request on the ground that, to the extent it requests addresses and
 26 telephone numbers of third parties, it seeks to invade the privacy interest of third parties without
 27 compelling need therefore. Defendant also objects on the grounds that it is unduly burdensome and
 28 oppressive and therefore seeks information which is neither relevant to the instant action nor

1 reasonably likely to lead to the discovery of admissible evidence. Defendant objects on the ground
 2 that the phrase "responsible for directly supervising, during the statutory period, those deemed
 3 responsible for supervising" is vague and ambiguous. Defendant objects to this request on the
 4 ground that it is unintelligible. Defendant also objects on the ground that discovery is not complete
 5 and that trial preparation is ongoing, and Defendant cannot reasonably be expected to formulate a
 6 complete response at this stage. Defendant objects to this request to the extent that it requires
 7 Defendant to create information not already in existence. Defendant also objects to this request on
 8 the ground that it is overbroad and therefore seeks information related to individuals who are not yet
 9 confirmed as parties to this lawsuit. Defendant objects to Plaintiffs' attempt to conduct discovery at
 10 this stage in the action as it is premature, inappropriate, unduly burdensome and prejudicial to
 11 require Defendant to participate in discovery at this time. Moreover, the request is not ripe because
 12 Defendant's Motion to Dismiss, or alternatively, Motion to Strike has not been resolved.

13 Subject to and without waiving the foregoing objections, Defendant responds as
 14 follows: Defendant agrees to provide named Plaintiffs with an Excel document identifying all
 15 persons employed by Defendant who are responsible for directly supervising named Plaintiffs' direct
 16 supervisors. This list shall include the individuals' names, job titles, dates of employment in that
 17 position, area or region managed (if any), and current employment status.

18 **REQUEST FOR PRODUCTION NO. 6:**

19 All documents that identify or describe Defendant's hierarchical structure, during the
 20 applicable statutory period, including but not limited to its divisions or departments, the job titles
 21 within the structure, and the persons holding board, officer, and management positions within the
 22 structure.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 6:**

24 Defendant incorporates its General Objections as though set forth fully herein.
 25 Defendant further objects to this request on the basis of the attorney work product doctrine and the
 26 attorney-client privilege. Defendant also objects to this request on the ground that it is overbroad
 27 and therefore seeks information which is neither relevant to the instant action nor reasonably likely
 28 to lead to the discovery of admissible evidence. Defendant objects to this request on the ground that,

1 to the extent it requests addresses and telephone numbers of third parties, it seeks to invade the
2 privacy of third parties without compelling need therefor. Defendant also objects on the ground that
3 discovery is not complete and that trial preparation is ongoing, and Defendant cannot reasonably be
4 expected to formulate a complete response at this stage. Defendant objects to Plaintiffs' attempt to
5 conduct discovery at this stage in the action as it is premature, inappropriate, unduly burdensome
6 and prejudicial to require Defendant to participate in discovery at this time. Moreover, the request is
7 not ripe because Defendant's Motion to Dismiss, or alternatively, Motion to Strike has not been
8 resolved.

9 **REQUEST FOR PRODUCTION NO. 7:**

10 All compensation plans and other documents relating to Defendant's policies,
11 procedures, or methods of compensating Senior Retail Mortgage Lending Consultants, Retail
12 Mortgage Lending Consultants, Senior Field Administrators, and Field Administrators during the
13 applicable statutory period.

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 7:**

15 Defendant incorporates its General Objections as though set forth fully herein.
16 Defendant further objects to this request on the basis of the attorney work product doctrine and the
17 attorney-client privilege. Defendant objects on the grounds that this information is equally available
18 to Plaintiffs. Defendant also objects to this request on the ground that it is overbroad and therefore
19 seeks information which is neither relevant to the instant action nor reasonably likely to lead to the
20 discovery of admissible evidence. Defendant objects on the ground that the phrases and/or terms
21 "compensation plans," "policies, procedures, or methods," and "compensating" are vague and
22 ambiguous. Defendant objects to this request on the ground that, to the extent it requests addresses
23 and telephone numbers of third parties, it seeks to invade the privacy of third parties without
24 compelling need therefor. Defendant further objects to this request on the ground that the financial
25 information sought is privileged and confidential under the constitutional right of privacy.
26 Defendant also objects on the ground that discovery is not complete and that trial preparation is
27 ongoing, and Defendant cannot reasonably be expected to formulate a complete response at this
28 stage. Defendant also objects to this request on the ground that it is overbroad and therefore seeks

1 information related to individuals who are not yet confirmed as parties to this lawsuit. Defendant
2 objects to Plaintiffs' attempt to conduct discovery at this stage in the action as it is premature,
3 inappropriate, unduly burdensome and prejudicial to require Defendant to participate in discovery at
4 this time. Moreover, the request is not ripe because Defendant's Motion to Dismiss, or alternatively,
5 Motion to Strike has not been resolved.

6 Subject to and without waiving the foregoing objections, Defendant responds as
7 follows: Defendant agrees to provide named Plaintiffs' with all compensation plans and other non-
8 privileged documents describing the method of compensation applicable to each named Plaintiff,
9 subject to a mutually agreed upon Protective Order.

10 **REQUEST FOR PRODUCTION NO. 8:**

11 All documents relating to any changes in Defendant's policies, procedures or methods
12 of paying Senior Retail Mortgage Lending Consultants, Retail Mortgage Lending Consultants,
13 Senior Field Administrators, and Field Administrators in the last six years.

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 8:**

15 Defendant incorporates its General Objections as though set forth fully herein.
16 Defendant further objects to this request on the basis of the attorney work product doctrine and the
17 attorney-client privilege. Defendant objects on the grounds that this information is equally available
18 to Plaintiffs. Defendant also objects to this request on the ground that it is overbroad and therefore
19 seeks information which is neither relevant to the instant action nor reasonably likely to lead to the
20 discovery of admissible evidence. Defendant objects on the ground that the phrases and/or terms
21 "changes," "policies, procedures, or methods," and "paying" are vague and ambiguous. Defendant
22 objects to this request on the ground that, to the extent it requests addresses and telephone numbers
23 of third parties, it seeks to invade the privacy of third parties without compelling need therefor.
24 Defendant further objects to this request on the ground that the financial information sought is
25 privileged and confidential under the constitutional right of privacy. Defendant also objects on the
26 ground that discovery is not complete and that trial preparation is ongoing, and Defendant cannot
27 reasonably be expected to formulate a complete response at this stage. Defendant also objects to this
28 request on the ground that it is overbroad and therefore seeks information related to individuals who

are not yet confirmed as parties to this lawsuit. Defendant objects to Plaintiffs' attempt to conduct discovery at this stage in the action as it is premature, inappropriate, unduly burdensome and prejudicial to require Defendant to participate in discovery at this time. Moreover, the request is not ripe because Defendant's Motion to Dismiss, or alternatively, Motion to Strike has not been resolved.

Subject to and without waiving the foregoing objections, Defendant responds as follows: Defendant agrees to provide all non-privileged documents related to any changes to named Plaintiffs' compensation, compensation plans or pay, subject to a mutually agreed upon Protective Order.

REQUEST FOR PRODUCTION NO. 9:

All records, in Excel format, of compensation paid to Plaintiffs during the applicable statutory period, per week and per pay period.

RESPONSE TO REQUEST FOR PRODUCTION NO. 9:

Defendant incorporates its General Objections as though set forth fully herein. Defendant further objects to this request on the basis of the attorney work product doctrine and the attorney-client privilege. Defendant objects on the grounds that Plaintiffs are seeking information which is equally available to Plaintiffs. Defendant also objects to this request on the ground that it is overbroad and therefore seeks information which is neither relevant to the instant action nor reasonably likely to lead to the discovery of admissible evidence. Defendant objects on the ground that the phrase and/or term "records [] of compensation paid" is vague and ambiguous. Defendant objects to this request on the ground that, to the extent it requests addresses and telephone numbers of third parties, it seeks to invade the privacy of third parties without compelling need therefor. Defendant further objects to this request on the ground that the financial information sought is privileged and confidential under the constitutional right of privacy. Defendant also objects to this request on the ground that it is overbroad and therefore seeks information related to individuals who are not yet confirmed as parties to this lawsuit. Defendant also objects on the ground that discovery is not complete and that trial preparation is ongoing, and Defendant cannot reasonably be expected to formulate a complete response at this stage. Defendant objects to this request to the extent that it

requires Defendant to create information not already in existence. Defendant objects to Plaintiffs' attempt to conduct discovery at this stage in the action as it is premature, inappropriate, unduly burdensome and prejudicial to require Defendant to participate in discovery at this time. Moreover, the request is not ripe because Defendant's Motion to Dismiss, or alternatively, Motion to Strike has not been resolved.

Subject to and without waiving the foregoing objections, Defendant responds as follows: Defendant agrees to provide named Plaintiffs with an Excel document, if generation of such a document is possible without manually inputting information into an Excel spreadsheet, compensation paid to named Plaintiffs during their employment with Defendant, per week and per pay period.

REQUEST FOR PRODUCTION NO. 10:

All documents containing, identifying or describing all communications between Defendant and Plaintiffs relating to their compensation, hours of work, and overtime.

RESPONSE TO REQUEST FOR PRODUCTION NO. 10:

Defendant incorporates its General Objections as though set forth fully herein. Defendant further objects to this request on the basis of the attorney work product doctrine and the attorney-client privilege. Defendant also objects to this request on the ground that it is overbroad and therefore seeks information which is neither relevant to the instant action nor reasonably likely to lead to the discovery of admissible evidence. Defendant objects on the grounds that Plaintiffs are seeking information which is equally available to Plaintiffs. Defendant also objects to this request on the ground that it is overbroad and therefore seeks information related to individuals who are not yet confirmed as parties to this lawsuit. Defendant objects on the ground that the phrases and/or terms "containing, identifying, or describing," "communications," "compensation," "hours of work" and "overtime" are vague and ambiguous. Defendant objects to this request on the ground that, to the extent it requests addresses and telephone numbers of third parties, it seeks to invade the privacy of third parties without compelling need therefor. Defendant further objects to this request on the ground that the financial information sought is privileged and confidential under the constitutional right of privacy. Defendant also objects on the ground that discovery is not complete and that trial

1 preparation is ongoing, and Defendant cannot reasonably be expected to formulate a complete
 2 response at this stage. Defendant objects to Plaintiffs' attempt to conduct discovery at this stage in
 3 the action as it is premature, inappropriate, unduly burdensome and prejudicial to require Defendant
 4 to participate in discovery at this time. Moreover, the request is not ripe because Defendant's
 5 Motion to Dismiss, or alternatively, Motion to Strike has not been resolved.

6 Subject to and without waiving the foregoing objections, Defendant responds as
 7 follows: Defendant agrees to provide all non-privileged documents containing, identifying or
 8 describing all communications between Defendant and named Plaintiffs relating to their
 9 compensation, hours of work, and overtime.

10 **REQUEST FOR PRODUCTION NO. 11:**

11 All timesheets or other documents identifying or describing the hours worked by
 12 Plaintiffs during the statutory period.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 11:**

14 Defendant incorporates its General Objections as though set forth fully herein.
 15 Defendant further objects to this request on the basis of the attorney work product doctrine and the
 16 attorney-client privilege. Defendant also objects to this request on the ground that it is overbroad
 17 and therefore seeks information which is neither relevant to the instant action nor reasonably likely
 18 to lead to the discovery of admissible evidence. Defendant objects on the grounds that Plaintiffs are
 19 seeking information which is equally available to Plaintiffs. Defendant objects on the ground that
 20 the phrase and/or term "hours worked" is vague and ambiguous. Defendant objects to this request
 21 on the ground that, to the extent it requests addresses and telephone numbers of third parties, it seeks
 22 to invade the privacy of third parties without compelling need therefor. Defendant further objects to
 23 this request on the ground that the financial information sought is privileged and confidential under
 24 the constitutional right of privacy. Defendant also objects on the ground that discovery is not
 25 complete and that trial preparation is ongoing, and Defendant cannot reasonably be expected to
 26 formulate a complete response at this stage. Defendant also objects to this request on the ground that
 27 it is overbroad and therefore seeks information related to individuals who are not yet confirmed as
 28 parties to this lawsuit. Defendant objects to Plaintiffs' attempt to conduct discovery at this stage in

1 the action as it is premature, inappropriate, unduly burdensome and prejudicial to require Defendant
2 to participate in discovery at this time. Moreover, the request is not ripe because Defendant's
3 Motion to Dismiss, or alternatively, Motion to Strike has not been resolved.

4 Subject to and without waiving the foregoing objections, Defendant responds as
5 follows: Defendant agrees to provide all timesheets and other non-privileged documents identifying
6 or describing the hours worked by named Plaintiffs.

7 **REQUEST FOR PRODUCTION NO. 12:**

8 All schedules or other documents identifying or describing the anticipated schedules
9 to be worked by Plaintiffs during the statutory period.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 12:**

11 Defendant incorporates its General Objections as though set forth fully herein.
12 Defendant further objects to this request on the basis of the attorney work product doctrine and the
13 attorney-client privilege. Defendant also objects to this request on the ground that it is overbroad
14 and therefore seeks information which is neither relevant to the instant action nor reasonably likely
15 to lead to the discovery of admissible evidence. Defendant objects on the grounds that Plaintiffs are
16 seeking information which is equally available to Plaintiffs. Defendant objects on the ground that
17 the phrase and/or term "anticipated schedules" is vague and ambiguous. Defendant also objects on
18 the ground that discovery is not complete and that trial preparation is ongoing, and Defendant cannot
19 reasonably be expected to formulate a complete response at this stage. Defendant also objects to this
20 request on the ground that it is overbroad and therefore seeks information related to individuals who
21 are not yet confirmed as parties to this lawsuit. Defendant objects to Plaintiffs' attempt to conduct
22 discovery at this stage in the action as it is premature, inappropriate, unduly burdensome and
23 prejudicial to require Defendant to participate in discovery at this time. Moreover, the request is not
24 ripe because Defendant's Motion to Dismiss, or alternatively, Motion to Strike has not been
25 resolved.

26 Subject to and without waiving the foregoing objections, Defendant responds as
27 follows: Defendant agrees to provide all schedules and non-privileged documents identifying or
28 describing the anticipated schedules to be worked by named Plaintiffs.

REQUEST FOR PRODUCTION NO. 13:

All phone logs, records, bills, or other documents identifying or describing the date and time of Plaintiffs' telephone activity during the statutory period.

RESPONSE TO REQUEST FOR PRODUCTION NO. 13:

Defendant incorporates its General Objections as though set forth fully herein. Defendant further objects to this request on the basis of the attorney work product doctrine and the attorney-client privilege. Defendant also objects to this request on the ground that it is overbroad and unduly burdensome and therefore seeks information which is neither relevant to the instant action nor reasonably likely to lead to the discovery of admissible evidence. Defendant objects on the grounds that Plaintiffs are seeking information which is equally available to Plaintiffs. Defendant objects on the ground that the phrase and/or term "telephone activity" is vague and ambiguous. Defendant objects to this request on the ground that, to the extent it requests addresses and telephone numbers of third parties, it seeks to invade the privacy of third parties without compelling need therefor. Defendant also objects on the ground that discovery is not complete and that trial preparation is ongoing, and Defendant cannot reasonably be expected to formulate a complete response at this stage. Defendant also objects to this request on the ground that it is overbroad and therefore seeks information related to individuals who are not yet confirmed as parties to this lawsuit. Defendant objects to Plaintiffs' attempt to conduct discovery at this stage in the action as it is premature, inappropriate, unduly burdensome and prejudicial to require Defendant to participate in discovery at this time. Moreover, the request is not ripe because Defendant's Motion to Dismiss, or alternatively, Motion to Strike has not been resolved.

Subject to and without waiving the foregoing objections, Defendant responds as follows: Defendant agrees to provide all non-privileged phone logs, non-privileged records, bills, or other non-privileged documents identifying or describing the date and time of named Plaintiffs' telephone activity.

REQUEST FOR PRODUCTION NO. 14:

All computer logs, records, reports or other documents demonstrating the starting and ending times of Plaintiffs' computer activity during each day of the statutory period.

RESPONSE TO REQUEST FOR PRODUCTION NO. 14:

Defendant incorporates its General Objections as though set forth fully herein. Defendant further objects to this request on the basis of the attorney work product doctrine and the attorney-client privilege. Defendant also objects to this request on the ground that it is overbroad and therefore seeks information which is neither relevant to the instant action nor reasonably likely to lead to the discovery of admissible evidence. Defendant objects on the grounds that Plaintiffs are seeking information which is equally available to Plaintiffs. Defendant objects on the ground that the phrases and/or terms "records," "demonstrating" and "computer activity" are vague and ambiguous. Defendant objects to this request on the ground that, to the extent it requests addresses and telephone numbers of third parties, it seeks to invade the privacy of third parties without compelling need therefor. Defendant further objects to this request on the ground that the financial information sought is privileged and confidential under the constitutional right of privacy. Defendant also objects on the ground that discovery is not complete and that trial preparation is ongoing, and Defendant cannot reasonably be expected to formulate a complete response at this stage. Defendant objects to this request to the extent that Defendant to create information not already in existence. Defendant also objects to this request on the ground that it is overbroad and therefore seeks information related to individuals who are not yet confirmed as parties to this lawsuit. Defendant objects to Plaintiffs' attempt to conduct discovery at this stage in the action as it is premature, inappropriate, unduly burdensome and prejudicial to require Defendant to participate in discovery at this time. Moreover, the request is not ripe because Defendant's Motion to Dismiss, or alternatively, Motion to Strike has not been resolved.

Subject to and without waiving the foregoing objections, Defendant responds as follows: Defendant agrees to provide all non-privileged computer logs, non-privileged records, non-privileged reports, or other non-privileged documents demonstrating the starting and ending times of named Plaintiffs' computer activity.

REQUEST FOR PRODUCTION NO. 15:

All email or other electronic messages sent to or from Plaintiffs through Defendant's email or computer systems regarding or in any way relating to their hours worked, overtime, and meals and rest periods during the applicable statutory period.

RESPONSE TO REQUEST FOR PRODUCTION NO. 15:

Defendant incorporates its General Objections as though set forth fully herein. Defendant also objects to this request on the ground that it is overbroad and therefore seeks information which is neither relevant to the instant action nor reasonably likely to lead to the discovery of admissible evidence. Defendant objects on the grounds that Plaintiffs are seeking information which is equally available to Plaintiffs. Defendant objects on the ground that the phrase and/or term "regarding or in any way relating to their hours works, overtime, and meal and rest periods" is vague and ambiguous. Defendant also objects on the ground that discovery is not complete and that trial preparation is ongoing, and Defendant cannot reasonably be expected to formulate a complete response at this stage. Defendant also objects to this request on the ground that it is overbroad and therefore seeks information related to individuals who are not yet confirmed as parties to this lawsuit. Defendant objects to Plaintiffs' attempt to conduct discovery at this stage in the action as it is premature, inappropriate, unduly burdensome and prejudicial to require Defendant to participate in discovery at this time. Moreover, the request is not ripe because Defendant's Motion to Dismiss, or alternatively, Motion to Strike has not been resolved.

Subject to and without waiving the foregoing objections, Defendant responds as follows: Defendant agrees to provide all emails or electronic message sent to or from named Plaintiffs through Defendant's email or computer system regarding or related to named Plaintiffs' hours worked, overtime, and meal and rest periods.

REQUEST FOR PRODUCTION NO. 16:

All emails or other electronic messages sent to or from Plaintiffs' supervisors through Defendant's email or computer systems during the statutory period regarding or in any way relating to Senior Retail Mortgage Lending Consultants', Retail Mortgage Lending Consultants', Senior

Field Administrators', and/or Field Administrators' hours worked, overtime, and meals and rest periods during the applicable statutory period.

RESPONSE TO REQUEST FOR PRODUCTION NO. 16:

Defendant incorporates its General Objections as though set forth fully herein. Defendant further objects to this request on the basis of the attorney work product doctrine and the attorney-client privilege. Defendant also objects to this request on the ground that it is overbroad and therefore seeks information which is neither relevant to the instant action nor reasonably likely to lead to the discovery of admissible evidence. Defendant objects on the ground that the phrase and/or term "regarding or in any way relating to Senior Retail Mortgage Lending Consultants', Retail Mortgage Lending Consultants', Senior Field Administrators', and/or Field Administrators' hours worked, overtime, and meals and rest periods" is vague and ambiguous. Defendant further objects to this request on the ground that the financial information sought is privileged and confidential under the constitutional right of privacy. Defendant also objects on the ground that discovery is not complete and that trial preparation is ongoing, and Defendant cannot reasonably be expected to formulate a complete response at this stage. Defendant also objects to this request on the ground that it is overbroad and therefore seeks information related to individuals who are not yet confirmed as parties to this lawsuit. Defendant objects to Plaintiffs' attempt to conduct discovery at this stage in the action as it is premature, inappropriate, unduly burdensome and prejudicial to require Defendant to participate in discovery at this time. Moreover, the request is not ripe because Defendant's Motion to Dismiss, or alternatively, Motion to Strike has not been resolved.

Subject to and without waiving the foregoing objections, Defendant responds as follows: Defendant agrees to provide all non-privileged emails and other non-privileged email messages sent to or from named Plaintiffs' supervisors through Defendant's email or computer systems regarding or in any way relating to named Plaintiffs' hours worked, overtime, and meals and rest periods during the applicable statutory period.

REQUEST FOR PRODUCTION NO. 17:

All time-stamped documents, including closing documents, security logs, faxes, or other documents that provide an identifiable time for the beginning and ending of work-related

1 activity by Plaintiffs that have not been identified and produced in connection with Interrogatories
2 Nos. 12-16.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 17:**

4 Defendant incorporates its General Objections as though set forth fully herein.
5 Defendant further objects to this request on the basis of the attorney work product doctrine and the
6 attorney-client privilege. Defendant also objects to this request on the ground that it is overbroad
7 and therefore seeks information which is neither relevant to the instant action nor reasonably likely
8 to lead to the discovery of admissible evidence. Defendant objects on the ground that the phrase
9 and/or term "an identifiable time for the beginning and ending of work-related activity by Plaintiffs"
10 is vague and ambiguous. Defendant objects to this request on the ground that, to the extent it
11 requests addresses and telephone numbers of third parties, it seeks to invade the privacy of third
12 parties without compelling need therefor. Defendant further objects to this request on the ground
13 that the financial information sought is privileged and confidential under the constitutional right of
14 privacy. Defendant also objects on the ground that discovery is not complete and that trial
15 preparation is ongoing, and Defendant cannot reasonably be expected to formulate a complete
16 response at this stage. Defendant also objects to this request on the ground that it is overbroad and
17 therefore seeks information related to individuals who are not yet confirmed as parties to this
18 lawsuit. Defendant objects to Plaintiffs' attempt to conduct discovery at this stage in the action as it
19 is premature, inappropriate, unduly burdensome and prejudicial to require Defendant to participate in
20 discovery at this time. Moreover, the request is not ripe because Defendant's Motion to Dismiss, or
21 alternatively, Motion to Strike has not been resolved.

22 Subject to and without waiving the foregoing objections, Defendant responds as
23 follows: Defendant agrees to provide all non-privileged time-stamped documents, closing
24 documents, security logs, or other non-privileged documents that provide an identifiable time for the
25 beginning and ending of work-related activity by named Plaintiffs.

26 **REQUEST FOR PRODUCTION NO. 18:**

27 All official, published job descriptions identifying or describing the job duties and
28 responsibilities of any non-management positions (i.e., employees who, on a day-to-day basis, are

1 not expected to spend greater than 50% of their time engaged in the management of other
2 employees) during the applicable statutory period.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 18:**

4 Defendant incorporates its General Objections as though set forth fully herein.
5 Defendant also objects to this request on the ground that it is overbroad and therefore seeks
6 information which is neither relevant to the instant action nor reasonably likely to lead to the
7 discovery of admissible evidence. Defendant also objects on the ground that discovery is not
8 complete and that trial preparation is ongoing, and Defendant cannot reasonably be expected to
9 formulate a complete response at this stage. Defendant also objects to this request on the ground that
10 it is overbroad and therefore seeks information related to individuals who are not parties to this
11 lawsuit. Defendant objects to Plaintiffs' attempt to conduct discovery at this stage in the action as it
12 is premature, inappropriate, unduly burdensome and prejudicial to require Defendant to participate in
13 discovery at this time. Moreover, the request is not ripe because Defendant's Motion to Dismiss, or
14 alternatively, Motion to Strike has not been resolved.

15 **REQUEST FOR PRODUCTION NO. 19:**

16 All job postings, advertisements, or other vacancy listings identifying and describing
17 the Senior Retail Mortgage Lending Consultant, Retail Mortgage Lending Consultant, Senior Field
18 Administrator, and/or Field Administrator positions during the applicable statutory period.

19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 19:**

20 Defendant incorporates its General Objections as though set forth fully herein.
21 Defendant also objects to this request on the ground that it is overbroad and therefore seeks
22 information which is neither relevant to the instant action nor reasonably likely to lead to the
23 discovery of admissible evidence. Defendant objects on the ground that the phrase and/or term
24 "vacancy listings" is vague and ambiguous. Defendant also objects on the ground that discovery is
25 not complete and that trial preparation is ongoing, and Defendant cannot reasonably be expected to
26 formulate a complete response at this stage. Defendant also objects to this request on the ground that
27 it is overbroad and therefore seeks information related to individuals who are not yet confirmed as
28 parties to this lawsuit. Defendant objects to Plaintiffs' attempt to conduct discovery at this stage in

1 the action as it is premature, inappropriate, unduly burdensome and prejudicial to require Defendant
2 to participate in discovery at this time. Moreover, the request is not ripe because Defendant's
3 Motion to Dismiss, or alternatively, Motion to Strike has not been resolved.

4 Subject to and without waiving the foregoing objections, Defendant responds as
5 follows: Defendant agrees to provide job postings, advertisements, or other vacancy listings
6 identifying and describing the positions held by named Plaintiffs.

7 **REQUEST FOR PRODUCTION NO. 20:**

8 All orientation materials provided to Plaintiffs upon their hire.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 20:**

10 Defendant incorporates its General Objections as though set forth fully herein.
11 Defendant also objects to this request on the ground that it is overbroad and therefore seeks
12 information which is neither relevant to the instant action nor reasonably likely to lead to the
13 discovery of admissible evidence. Defendant objects on the ground that the phrase and/or term
14 "orientation materials" is vague and ambiguous. Defendant further objects to this request on the
15 ground that the trade secret or proprietary information sought is privileged and confidential.
16 Defendant also objects on the ground that discovery is not complete and that trial preparation is
17 ongoing, and Defendant cannot reasonably be expected to formulate a complete response at this
18 stage. Defendant also objects to this request on the ground that it is overbroad and therefore seeks
19 information related to individuals who are not yet confirmed as parties to this lawsuit. Defendant
20 objects to Plaintiffs' attempt to conduct discovery at this stage in the action as it is premature,
21 inappropriate, unduly burdensome and prejudicial to require Defendant to participate in discovery at
22 this time. Moreover, the request is not ripe because Defendant's Motion to Dismiss, or alternatively,
23 Motion to Strike has not been resolved.

24 Subject to and without waiving the foregoing objections, Defendant responds as
25 follows: Defendant agrees to provide all orientation materials provided to named Plaintiffs, subject
26 to a mutually agreed upon Protective Order.

27 **REQUEST FOR PRODUCTION NO. 21:**

28 All training materials provided to Plaintiffs during their employment.

RESPONSE TO REQUEST FOR PRODUCTION NO. 21:

Defendant incorporates its General Objections as though set forth fully herein. Defendant also objects to this request on the ground that it is overbroad and therefore seeks information which is neither relevant to the instant action nor reasonably likely to lead to the discovery of admissible evidence. Defendant objects on the ground that the phrase and/or term "training material" is vague and ambiguous. Defendant further objects to this request on the ground that the trade secret or proprietary information sought is privileged and confidential. Defendant also objects on the ground that discovery is not complete and that trial preparation is ongoing, and Defendant cannot reasonably be expected to formulate a complete response at this stage. Defendant also objects to this request on the ground that it is overbroad and therefore seeks information related to individuals who are not yet confirmed as parties to this lawsuit. Defendant objects to Plaintiffs' attempt to conduct discovery at this stage in the action as it is premature, inappropriate, unduly burdensome and prejudicial to require Defendant to participate in discovery at this time. Moreover, the request is not ripe because Defendant's Motion to Dismiss, or alternatively, Motion to Strike has not been resolved.

Subject to and without waiving the foregoing objections, Defendant responds as follows: Defendant agrees to provide all training materials provided to named Plaintiffs, subject to a mutually agreed upon Protective Order.

REQUEST FOR PRODUCTION NO. 22:

All policy, procedure or employee rules, handbooks, or manuals in effect and applicable to Plaintiffs during the statutory period.

RESPONSE TO REQUEST FOR PRODUCTION NO. 22:

Defendant incorporates its General Objections as though set forth fully herein. Defendant also objects to this request on the ground that it is overbroad and therefore seeks information which is neither relevant to the instant action nor reasonably likely to lead to the discovery of admissible evidence. Defendant objects on the ground that the phrase and/or term "policy, procedure, or employees rules, handbooks or manuals" is vague and ambiguous. Defendant further objects to this request on the ground that the trade secret or proprietary information sought is

1 privileged and confidential. Defendant also objects on the ground that discovery is not complete and
 2 that trial preparation is ongoing, and Defendant cannot reasonably be expected to formulate a
 3 complete response at this stage. Defendant also objects to this request on the ground that it is
 4 overbroad and therefore seeks information related to individuals who are not yet confirmed as parties
 5 to this lawsuit. Defendant objects to Plaintiffs' attempt to conduct discovery at this stage in the
 6 action as it is premature, inappropriate, unduly burdensome and prejudicial to require Defendant to
 7 participate in discovery at this time. Moreover, the request is not ripe because Defendant's Motion
 8 to Dismiss, or alternatively, Motion to Strike has not been resolved.

9 Subject to and without waiving the foregoing objections, Defendant responds as
 10 follows: Defendant agrees to provide all policy, procedure or employee rules, handbooks, or
 11 manuals in effect and applicable to named Plaintiffs, subject to a mutually agreed upon Protective
 12 Order.

13 **REQUEST FOR PRODUCTION NO. 23:**

14 All documents used generally by Senior Retail Mortgage Lending Consultants, Retail
 15 Mortgage Lending Consultants, Senior Field Administrators, and Field Administrators in the
 16 performance of their jobs, including any standard manuals, charts, graphs, matrixes, instructions,
 17 directions, rules, policies, or procedures.

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 23:**

19 Defendant incorporates its General Objections as though set forth fully herein.
 20 Defendant also objects to this request on the ground that it is overbroad and therefore seeks
 21 information which is neither relevant to the instant action nor reasonably likely to lead to the
 22 discovery of admissible evidence. Defendant objects on the ground that the phrase and/or term "in
 23 the performance of their jobs, including any standard manuals, charts, graphs, matrixes, instructions,
 24 directions, rules, policies, or procedures" is vague and ambiguous. Defendant further objects to this
 25 request on the ground that the trade secret or proprietary information sought is privileged and
 26 confidential. Defendant also objects on the ground that discovery is not complete and that trial
 27 preparation is ongoing, and Defendant cannot reasonably be expected to formulate a complete
 28 response at this stage. Defendant also objects to this request on the ground that it is overbroad and

1 therefore seeks information related to individuals who are not yet confirmed as parties to this
2 lawsuit. Defendant objects to Plaintiffs' attempt to conduct discovery at this stage in the action as it
3 is premature, inappropriate, unduly burdensome and prejudicial to require Defendant to participate in
4 discovery at this time. Moreover, the request is not ripe because Defendant's Motion to Dismiss, or
5 alternatively, Motion to Strike has not been resolved.

6 Subject to and without waiving the foregoing objections, Defendant responds as
7 follows: Defendant agrees to provide all documents, including any standard manuals, charts, graphs,
8 matrixes, instructions, directions, rules, policies, or procedures, used by named Plaintiffs in
9 performing their jobs, subject to a mutually agreed upon Protective Order.

10 **REQUEST FOR PRODUCTION NO. 24:**

11 All documents that rank or otherwise compare or contrast Senior Retail Mortgage
12 Lending Consultants', Retail Mortgage Lending Consultants', Senior Field Administrators', and/or
13 Field Administrators' performance within each location, area, region or nationally.

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 24:**

15 Defendant incorporates its General Objections as though set forth fully herein.
16 Defendant further objects to this request on the basis of the attorney work product doctrine and the
17 attorney-client privilege. Defendant also objects to this request on the ground that it is overbroad
18 and therefore seeks information which is neither relevant to the instant action nor reasonably likely
19 to lead to the discovery of admissible evidence. Defendant objects on the ground that the phrases
20 and/or terms "rank or otherwise compare or contrast" and "performance" are vague and ambiguous.
21 Defendant further objects to this request on the ground that the financial information sought is
22 privileged and confidential under the constitutional right of privacy. Defendant further objects to
23 this request on the ground that the trade secret or proprietary information sought is privileged and
24 confidential. Defendant also objects on the ground that discovery is not complete and that trial
25 preparation is ongoing, and Defendant cannot reasonably be expected to formulate a complete
26 response at this stage. Defendant also objects to this request on the ground that it is overbroad and
27 therefore seeks information related to individuals who are not yet confirmed as parties to this
28 lawsuit. Defendant objects to Plaintiffs' attempt to conduct discovery at this stage in the action as it

1 is premature, inappropriate, unduly burdensome and prejudicial to require Defendant to participate in
2 discovery at this time. Moreover, the request is not ripe because Defendant's Motion to Dismiss, or
3 alternatively, Motion to Strike has not been resolved.

4 Subject to and without waiving the foregoing objections, Defendant responds as
5 follows: Defendant agrees to provide all non-privileged documents that rank or otherwise compare
6 or contrast named Plaintiffs' performance, subject to a mutually agreed upon Protective Order.

7 **REQUEST FOR PRODUCTION NO. 25:**

8 All documents relating to Defendant's decision not to pay Senior Retail Mortgage
9 Lending Consultants, Retail Mortgage Lending Consultants, Senior Field Administrators, and/or
10 Field Administrators overtime compensation.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 25:**

12 Defendant incorporates its General Objections as though set forth fully herein.
13 Defendant further objects to this request on the basis of the attorney work product doctrine and the
14 attorney-client privilege. Defendant also objects to this request on the ground that it is overbroad
15 and therefore seeks information which is neither relevant to the instant action nor reasonably likely
16 to lead to the discovery of admissible evidence. Defendant objects on the ground that the phrases
17 and/or terms "decision not to pay" and "overtime compensation" are vague and ambiguous.
18 Defendant also objects on the ground that discovery is not complete and that trial preparation is
19 ongoing, and Defendant cannot reasonably be expected to formulate a complete response at this
20 stage. Defendant also objects to this request on the ground that it is overbroad and therefore seeks
21 information related to individuals who are not yet confirmed as parties to this lawsuit. Defendant
22 objects to Plaintiffs' attempt to conduct discovery at this stage in the action as it is premature,
23 inappropriate, unduly burdensome and prejudicial to require Defendant to participate in discovery at
24 this time. Moreover, the request is not ripe because Defendant's Motion to Dismiss, or alternatively,
25 Motion to Strike has not been resolved.

26 **REQUEST FOR PRODUCTION NO. 26:**

27 All documents that identify or describe all efforts taken by Defendant to comply with
28 the Fair Labor Standards Act and other state wage and hour laws relating to overtime compensation.

RESPONSE TO REQUEST FOR PRODUCTION NO. 26:

Defendant incorporates its General Objections as though set forth fully herein. Defendant further objects to this request on the basis of the attorney work product doctrine and the attorney-client privilege. Defendant also objects to this request on the ground that it is overbroad and therefore seeks information which is neither relevant to the instant action nor reasonably likely to lead to the discovery of admissible evidence. Defendant objects on the ground that the phrases and/or terms "efforts taken by," "overtime compensation" and "comply" are vague and ambiguous. Defendant also objects on the ground that discovery is not complete and that trial preparation is ongoing, and Defendant cannot reasonably be expected to formulate a complete response at this stage. Defendant also objects to this request on the ground that it is overbroad and therefore seeks information related to individuals who are not yet confirmed as parties to this lawsuit. Defendant objects to Plaintiffs' attempt to conduct discovery at this stage in the action as it is premature, inappropriate, unduly burdensome and prejudicial to require Defendant to participate in discovery at this time. Moreover, the request is not ripe because Defendant's Motion to Dismiss, or alternatively, Motion to Strike has not been resolved.

REQUEST FOR PRODUCTION NO. 27:

All documents that identify, describe, or relate to any claim that Defendant's method of compensating Senior Retail Mortgage Lending Consultants, Retail Mortgage Lending Consultants, Senior Field Administrators, and Field Administrators was performed with a good faith reasonable belief that it was complying with the Fair Labor Standards Act and other state wage and hour laws relating to overtime compensation.

RESPONSE TO REQUEST FOR PRODUCTION NO. 27:

Defendant incorporates its General Objections as though set forth fully herein. Defendant further objects to this request on the basis of the attorney work product doctrine and the attorney-client privilege. Defendant also objects to this request on the ground that it is overbroad and therefore seeks information which is neither relevant to the instant action nor reasonably likely to lead to the discovery of admissible evidence. Defendant objects on the ground that the phrases and/or terms "method of compensating," "good faith reasonable belief," and "overtime

1 compensation" are vague and ambiguous. Defendant also objects on the ground that discovery is not
2 complete and that trial preparation is ongoing, and Defendant cannot reasonably be expected to
3 formulate a complete response at this stage. Defendant also objects to this request on the ground that
4 it is overbroad and therefore seeks information related to individuals who are not yet confirmed as
5 parties to this lawsuit. Defendant objects to Plaintiffs' attempt to conduct discovery at this stage in
6 the action as it is premature, inappropriate, unduly burdensome and prejudicial to require Defendant
7 to participate in discovery at this time. Moreover, the request is not ripe because Defendant's
8 Motion to Dismiss, or alternatively, Motion to Strike has not been resolved.

9 **REQUEST FOR PRODUCTION NO. 28:**

10 All documents that identify, describe or relate to any claim made by Defendant that it
11 relied on attorney advice for any claim that their method of compensating Senior Retail Mortgage
12 Lending Consultants, Retail Mortgage Lending Consultants, Senior Field Administrators, and Field
13 Administrators was performed with a good faith reasonable belief that it was complying with the
14 Fair Labor Standards Act and other state wage and hour laws relating to overtime compensation.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 28:**

16 Defendant incorporates its General Objections as though set forth fully herein.
17 Defendant further objects to this request on the basis of the attorney work product doctrine and the
18 attorney-client privilege. Defendant also objects to this request on the ground that it is overbroad
19 and therefore seeks information which is neither relevant to the instant action nor reasonably likely
20 to lead to the discovery of admissible evidence. Defendant objects on the ground that the phrases
21 and/or terms "relied," "method of compensating," "good faith reasonable belief," "complying" and
22 "overtime compensation" are vague and ambiguous. Defendant also objects on the ground that
23 discovery is not complete and that trial preparation is ongoing, and Defendant cannot reasonably be
24 expected to formulate a complete response at this stage. Defendant also objects to this request on the
25 ground that it is overbroad and therefore seeks information related to individuals who are not yet
26 confirmed as parties to this lawsuit. Defendant objects to Plaintiffs' attempt to conduct discovery at
27 this stage in the action as it is premature, inappropriate, unduly burdensome and prejudicial to
28

1 require Defendant to participate in discovery at this time. Moreover, the request is not ripe because
 2 Defendant's Motion to Dismiss, or alternatively, Motion to Strike has not been resolved.

3 **REQUEST FOR PRODUCTION NO. 29:**

4 All documents relating to oral or written complaints or inquiries by any Senior Retail
 5 Mortgage Lending Consultants, Retail Mortgage Lending Consultants, Senior Field Administrators,
 6 and Field Administrators regarding Defendant's methods of compensation during the last ten years.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 29:**

8 Defendant incorporates its General Objections as though set forth fully herein.
 9 Defendant further objects to this request on the basis of the attorney work product doctrine and the
 10 attorney-client privilege. Defendant also objects to this request on the ground that it is overbroad
 11 and therefore seeks information which is neither relevant to the instant action nor reasonably likely
 12 to lead to the discovery of admissible evidence. Defendant objects on the ground that the phrases
 13 and/or terms "complaints or inquiries" and "methods of compensation" are vague and ambiguous.
 14 Defendant also objects on the ground that discovery is not complete and that trial preparation is
 15 ongoing, and Defendant cannot reasonably be expected to formulate a complete response at this
 16 stage. Defendant also objects to this request on the ground that it is overbroad and therefore seeks
 17 information related to individuals who are not yet confirmed as parties to this lawsuit. Defendant
 18 objects to Plaintiffs' attempt to conduct discovery at this stage in the action as it is premature,
 19 inappropriate, unduly burdensome and prejudicial to require Defendant to participate in discovery at
 20 this time. Moreover, the request is not ripe because Defendant's Motion to Dismiss, or alternatively,
 21 Motion to Strike has not been resolved.

22 Subject to and without waiving the foregoing objections, Defendant responds as
 23 follows: Defendant agrees to provide all non-privileged documents relating to oral or written
 24 complaints or inquiries made by named Plaintiffs regarding Defendant's methods of compensation.

25 **REQUEST FOR PRODUCTION NO. 30:**

26 All documents relating to oral or written complaints or inquiries, lawsuits or
 27 administrative filings made by any Senior Retail Mortgage Lending Consultants, Retail Mortgage
 28

1 Lending Consultants, Senior Field Administrators, and Field Administrators regarding Defendant's
2 methods of compensation during the last ten years.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 30:**

4 Defendant incorporates its General Objections as though set forth fully herein.
5 Defendant further objects to this request on the basis of the attorney work product doctrine and the
6 attorney-client privilege. Defendant also objects to this request on the ground that it is overbroad
7 and therefore seeks information which is neither relevant to the instant action nor reasonably likely
8 to lead to the discovery of admissible evidence. Defendant objects on the ground that the phrases
9 and/or terms "complaints or inquiries" and "methods of compensation" are vague and ambiguous.
10 Defendant also objects on the ground that discovery is not complete and that trial preparation is
11 ongoing, and Defendant cannot reasonably be expected to formulate a complete response at this
12 stage. Defendant also objects to this request on the ground that it is overbroad and therefore seeks
13 information related to individuals who are not yet confirmed as parties to this lawsuit. Defendant
14 objects to Plaintiffs' attempt to conduct discovery at this stage in the action as it is premature,
15 inappropriate, unduly burdensome and prejudicial to require Defendant to participate in discovery at
16 this time. Moreover, the request is not ripe because Defendant's Motion to Dismiss, or alternatively,
17 Motion to Strike has not been resolved.

18 Subject to and without waiving the foregoing objections, Defendant responds as
19 follows: Defendant agrees to provide all non-privileged documents relating to oral or written
20 complaints or inquiries, or administrative filings made by named Plaintiffs regarding Defendant's
21 methods of compensation.

22 **REQUEST FOR PRODUCTION NO. 31:**

23 All documents relating to any contact between Defendant and the Department of
24 Labor or any other federal or state government agency regarding Defendant's compensation
25 practices during the last ten years.

26 **RESPONSE TO REQUEST FOR PRODUCTION NO. 31:**

27 Defendant incorporates its General Objections as though set forth fully herein.
28 Defendant further objects to this request on the basis of the attorney work product doctrine and the

1 attorney-client privilege. Defendant also objects to this request on the ground that it is overbroad
 2 and therefore seeks information which is neither relevant to the instant action nor reasonably likely
 3 to lead to the discovery of admissible evidence. Defendant objects on the ground that the phrases
 4 and/or terms "contact" and "compensation practices" are vague and ambiguous. Defendant also
 5 objects on the ground that discovery is not complete and that trial preparation is ongoing, and
 6 Defendant cannot reasonably be expected to formulate a complete response at this stage. Defendant
 7 also objects to this request on the ground that it is overbroad and therefore seeks information related
 8 to individuals who are not yet confirmed as parties to this lawsuit. Defendant objects to Plaintiffs'
 9 attempt to conduct discovery at this stage in the action as it is premature, inappropriate, unduly
 10 burdensome and prejudicial to require Defendant to participate in discovery at this time. Moreover,
 11 the request is not ripe because Defendant's Motion to Dismiss, or alternatively, Motion to Strike has
 12 not been resolved.

13 Subject to and without waiving the foregoing objections, Defendant responds as
 14 follows: Defendant agrees to provide all non-privileged documents relating to any contact between
 15 Defendant and the Department of Labor or any other federal or state government agency regarding
 16 named Plaintiffs and Defendant's compensation practices.

17 **REQUEST FOR PRODUCTION NO. 32:**

18 All documents containing, identifying or describing all communications between
 19 Defendant and any Senior Retail Mortgage Lending Consultants, Retail Mortgage Lending
 20 Consultants, Senior Field Administrators, and/or Field Administrators relating to this lawsuit.

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 32:**

22 Defendant incorporates its General Objections as though set forth fully herein.
 23 Defendant further objects to this request on the basis of the attorney work product doctrine and the
 24 attorney-client privilege. Defendant also objects to this request on the ground that it is overbroad
 25 and therefore seeks information which is neither relevant to the instant action nor reasonably likely
 26 to lead to the discovery of admissible evidence. Defendant objects on the ground that the phrase
 27 and/or term "communications" is vague and ambiguous. Defendant also objects on the ground that
 28 discovery is not complete and that trial preparation is ongoing, and Defendant cannot reasonably be

1 expected to formulate a complete response at this stage. Defendant also objects to this request on the
2 ground that it is overbroad and therefore seeks information related to individuals who are not yet
3 confirmed as parties to this lawsuit. Defendant objects to Plaintiffs' attempt to conduct discovery at
4 this stage in the action as it is premature, inappropriate, unduly burdensome and prejudicial to
5 require Defendant to participate in discovery at this time. Moreover, the request is not ripe because
6 Defendant's Motion to Dismiss, or alternatively, Motion to Strike has not been resolved.

7 Subject to and without waiving the foregoing objections, Defendant responds as
8 follows: Defendant agrees to provide all non-privileged documents containing, identifying or
9 describing all communications between Defendant and named Plaintiffs relating to this lawsuit.

10 **REQUEST FOR PRODUCTION NO. 33:**

11 All documents that may be offered into evidence at trial or depositions or may be
12 used to refresh the recollection of a witness at depositions or trial.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 33:**

14 Defendant incorporates its General Objections as though set forth fully herein.
15 Defendant further objects to this request on the basis of the attorney work product doctrine and the
16 attorney-client privilege. Defendant objects to this request on the grounds that the information
17 sought seeks defense counsel's legal analysis and theories regarding the law. Defendant also objects
18 to this request on the ground that it is overbroad and therefore seeks information which is neither
19 relevant to the instant action nor reasonably likely to lead to the discovery of admissible evidence.
20 Defendant objects on the ground that the phrase and/or term "may be offered" is vague and
21 ambiguous. Defendant also objects on the ground that discovery is not complete and that trial
22 preparation is ongoing, and Defendant cannot reasonably be expected to formulate a complete
23 response at this stage. Defendant also objects to this request on the ground that it is overbroad and
24 therefore seeks information related to individuals who are not yet confirmed as parties to this
25 lawsuit. Defendant objects to Plaintiffs' attempt to conduct discovery at this stage in the action as it
26 is premature, inappropriate, unduly burdensome and prejudicial to require Defendant to participate in
27 discovery at this time. Moreover, the request is not ripe because Defendant's Motion to Dismiss, or
28 alternatively, Motion to Strike has not been resolved.

REQUEST FOR PRODUCTION NO. 34:

All statements of witnesses or potential witnesses or persons interviewed in connection with this case.

RESPONSE TO REQUEST FOR PRODUCTION NO. 34:

Defendant incorporates its General Objections as though set forth fully herein. Defendant further objects to this request on the basis of the attorney work product doctrine and the attorney-client privilege. Defendant objects to this request on the grounds that the information sought seeks defense counsel's legal analysis and theories regarding the law. Defendant also objects to this request on the ground that it is overbroad and therefore seeks information which is neither relevant to the instant action nor reasonably likely to lead to the discovery of admissible evidence. Defendant objects on the ground that the phrase and/or term "interviewed in connection" is vague and ambiguous. Defendant also objects on the ground that discovery is not complete and that trial preparation is ongoing, and Defendant cannot reasonably be expected to formulate a complete response at this stage. Defendant also objects to this request on the ground that it is overbroad and therefore seeks information related to individuals who are not yet confirmed as parties to this lawsuit. Defendant objects to Plaintiffs' attempt to conduct discovery at this stage in the action as it is premature, inappropriate, unduly burdensome and prejudicial to require Defendant to participate in discovery at this time. Moreover, the request is not ripe because Defendant's Motion to Dismiss, or alternatively, Motion to Strike has not been resolved.

REQUEST FOR PRODUCTION NO. 35:

All documents relied upon or reviewed by Defendant's expert witnesses in forming his/her opinions in this matter.

RESPONSE TO REQUEST FOR PRODUCTION NO. 35:

Defendant incorporates its General Objections as though set forth fully herein. Defendant further objects to this request on the basis of the attorney work product doctrine and the attorney-client privilege. Defendant objects to this request on the grounds that the information sought seeks defense counsel's legal analysis and theories regarding the law. Defendant also objects to this request on the ground that it is overbroad and therefore seeks information which is neither

1 relevant to the instant action nor reasonably likely to lead to the discovery of admissible evidence.
2 Defendant also objects on the ground that discovery is not complete and that trial preparation is
3 ongoing, and Defendant cannot reasonably be expected to formulate a complete response at this
4 stage. Defendant also objects to this request on the ground that it is overbroad and therefore seeks
5 information related to individuals who are not yet confirmed as parties to this lawsuit. Defendant
6 objects to Plaintiffs' attempt to conduct discovery at this stage in the action as it is premature,
7 inappropriate, unduly burdensome and prejudicial to require Defendant to participate in discovery at
8 this time. Moreover, the request is not ripe because Defendant's Motion to Dismiss, or alternatively,
9 Motion to Strike has not been resolved.

10 **REQUEST FOR PRODUCTION NO. 36:**

11 All documents obtained as a result of releases and/or subpoenas relating to this case.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 36:**

13 Defendant incorporates its General Objections as though set forth fully herein.
14 Defendant further objects to this request on the basis of the attorney work product doctrine and the
15 attorney-client privilege. Defendant objects to this request on the grounds that the information
16 sought seeks defense counsel's legal analysis and theories regarding the law. Defendant also objects
17 to this request on the ground that it is overbroad and therefore seeks information which is neither
18 relevant to the instant action nor reasonably likely to lead to the discovery of admissible evidence.
19 Defendant objects on the ground that the phrase and/or term "as a result of releases and/or
20 subpoenas" is vague and ambiguous. Defendant also objects on the ground that discovery is not
21 complete and that trial preparation is ongoing, and Defendant cannot reasonably be expected to
22 formulate a complete response at this stage. Defendant also objects to this request on the ground that
23 it is overbroad and therefore seeks information related to individuals who are not yet confirmed as
24 parties to this lawsuit. Defendant objects to Plaintiffs' attempt to conduct discovery at this stage in
25 the action as it is premature, inappropriate, unduly burdensome and prejudicial to require Defendant
26 to participate in discovery at this time. Moreover, the request is not ripe because Defendant's
27 Motion to Dismiss, or alternatively, Motion to Strike has not been resolved.

28

1 **REQUEST FOR PRODUCTION NO. 37:**

2 All documents not produced in response to prior Requests containing guidance
3 provided during the statutory period to Senior Retail Mortgage Lending Consultants, Retail
4 Mortgage Lending Consultants, Senior Field Administrators, and/or Field Administrators regarding
5 the taking of meal breaks.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 37:**

7 Defendant incorporates its General Objections as though set forth fully herein.
8 Defendant also objects to this request on the ground that it is overbroad and therefore seeks
9 information which is neither relevant to the instant action nor reasonably likely to lead to the
10 discovery of admissible evidence. Defendant objects on the ground that the phrases and/or terms
11 "guidance provided" and "taking of meal breaks" are vague and ambiguous. Defendant also objects
12 on the ground that discovery is not complete and that trial preparation is ongoing, and Defendant
13 cannot reasonably be expected to formulate a complete response at this stage. Defendant also
14 objects to this request on the ground that it is overbroad and therefore seeks information related to
15 individuals who are not yet confirmed as parties to this lawsuit. Defendant objects to Plaintiffs'
16 attempt to conduct discovery at this stage in the action as it is premature, inappropriate, unduly
17 burdensome and prejudicial to require Defendant to participate in discovery at this time. Moreover,
18 the request is not ripe because Defendant's Motion to Dismiss, or alternatively, Motion to Strike has
19 not been resolved.

20 Subject to and without waiving the foregoing objections, Defendant responds as
21 follows: Defendant agrees to provide all non-privileged documents not produced in response to
22 prior Requests containing guidance provided to named Plaintiffs' regarding the taking of meal
23 breaks, subject to a mutually agreed upon Protective Order.

24 **REQUEST FOR PRODUCTION NO. 38:**

25 All documents not produced in response to prior Requests containing guidance
26 provided during the statutory period to Senior Retail Mortgage Lending Consultants, Retail
27 Mortgage Lending Consultants, Senior Field Administrators, and/or Field Administrators regarding
28 the taking of rest periods.

RESPONSE TO REQUEST FOR PRODUCTION NO. 38:

Defendant incorporates its General Objections as though set forth fully herein. Defendant also objects to this request on the ground that it is overbroad and therefore seeks information which is neither relevant to the instant action nor reasonably likely to lead to the discovery of admissible evidence. Defendant objects on the ground that the phrases and/or terms "guidance provided" and "taking of rest periods" are vague and ambiguous. Defendant also objects on the ground that discovery is not complete and that trial preparation is ongoing, and Defendant cannot reasonably be expected to formulate a complete response at this stage. Defendant also objects to this request on the ground that it is overbroad and therefore seeks information related to individuals who are not yet confirmed as parties to this lawsuit. Defendant objects to Plaintiffs' attempt to conduct discovery at this stage in the action as it is premature, inappropriate, unduly burdensome and prejudicial to require Defendant to participate in discovery at this time. Moreover, the request is not ripe because Defendant's Motion to Dismiss, or alternatively, Motion to Strike has not been resolved.

Subject to and without waiving the foregoing objections, Defendant responds as follows: Defendant agrees to provide all non-privileged documents not produced in response to prior Requests containing guidance provided to named Plaintiffs' regarding the taking of rest periods, subject to a mutually agreed upon Protective Order.

REQUEST FOR PRODUCTION NO. 39:

All documents not produced in response to prior Requests containing guidance provided during the statutory period to Senior Retail Mortgage Lending Consultants, Retail Mortgage Lending Consultants, Senior Field Administrators, and/or Field Administrators regarding compensation for missed or interrupted rest periods.

RESPONSE TO REQUEST FOR PRODUCTION NO. 39:

Defendant incorporates its General Objections as though set forth fully herein. Defendant also objects to this request on the ground that it is overbroad and therefore seeks information which is neither relevant to the instant action nor reasonably likely to lead to the

discovery of admissible evidence. Defendant objects on the ground that the phrases and/or terms “guidance provided” and “missed or interrupted rest periods” are vague and ambiguous. Defendant also objects on the ground that discovery is not complete and that trial preparation is ongoing, and Defendant cannot reasonably be expected to formulate a complete response at this stage. Defendant also objects to this request on the ground that it is overbroad and therefore seeks information related to individuals who are not yet confirmed as parties to this lawsuit. Defendant objects to Plaintiffs’ attempt to conduct discovery at this stage in the action as it is premature, inappropriate, unduly burdensome and prejudicial to require Defendant to participate in discovery at this time. Moreover, the request is not ripe because Defendant’s Motion to Dismiss, or alternatively, Motion to Strike has not been resolved.

Subject to and without waiving the foregoing objections, Defendant responds as follows: Defendant agrees to provide all non-privileged documents not produced in response to prior Requests containing guidance provided to named Plaintiffs’ regarding missed or interrupted rest periods, subject to a mutually agreed upon Protective Order.

REQUEST FOR PRODUCTION NO. 40:

All documents not produced in response to prior Requests containing guidance provided during the statutory period to Senior Retail Mortgage Lending Consultants, Retail Mortgage Lending Consultants, Senior Field Administrators, and/or Field Administrators regarding the taking of rest periods.

RESPONSE TO REQUEST FOR PRODUCTION NO. 40:

Defendant incorporates its General Objections as though set forth fully herein. Defendant also objects to this request on the ground that it is overbroad and therefore seeks information which is neither relevant to the instant action nor reasonably likely to lead to the discovery of admissible evidence. Defendant objects on the ground that the phrases and/or terms “guidance provided” and “taking of rest periods” are vague and ambiguous. Defendant also objects on the ground that discovery is not complete and that trial preparation is ongoing, and Defendant cannot reasonably be expected to formulate a complete response at this stage. Defendant also objects to this request on the ground that it is overbroad and therefore seeks information related to

1 individuals who are not yet confirmed as parties to this lawsuit. Defendant objects to Plaintiffs'
 2 attempt to conduct discovery at this stage in the action as it is premature, inappropriate, unduly
 3 burdensome and prejudicial to require Defendant to participate in discovery at this time. Moreover,
 4 the request is not ripe because Defendant's Motion to Dismiss, or alternatively, Motion to Strike has
 5 not been resolved.

6 Subject to and without waiving the foregoing objections, Defendant responds as
 7 follows: Defendant agrees to provide all non-privileged documents not produced in response to
 8 prior Requests containing guidance provided to named Plaintiffs' regarding the taking of rest
 9 periods, subject to a mutually agreed upon Protective Order.

10 **REQUEST FOR PRODUCTION NO. 41:**

11 All documents not produced in response to prior Requests containing guidance
 12 provided during the statutory period to Senior Retail Mortgage Lending Consultants, Retail
 13 Mortgage Lending Consultants, Senior Field Administrators, and/or Field Administrators regarding
 14 compensation for missed rest periods.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 41:**

16 Defendant incorporates its General Objections as though set forth fully herein.
 17 Defendant also objects to this request on the ground that it is overbroad and therefore seeks
 18 information which is neither relevant to the instant action nor reasonably likely to lead to the
 19 discovery of admissible evidence. Defendant objects on the ground that the phrases and/or terms
 20 "guidance provided" and "compensation for missed rest periods" are vague and ambiguous.
 21 Defendant also objects on the ground that discovery is not complete and that trial preparation is
 22 ongoing, and Defendant cannot reasonably be expected to formulate a complete response at this
 23 stage. Defendant also objects to this request on the ground that it is overbroad and therefore seeks
 24 information related to individuals who are not yet confirmed as parties to this lawsuit. Defendant
 25 objects to Plaintiffs' attempt to conduct discovery at this stage in the action as it is premature,
 26 inappropriate, unduly burdensome and prejudicial to require Defendant to participate in discovery at
 27 this time. Moreover, the request is not ripe because Defendant's Motion to Dismiss, or alternatively,
 28 Motion to Strike has not been resolved.

Subject to and without waiving the foregoing objections, Defendant responds as follows: Defendant agrees to provide all non-privileged documents not produced in response to prior Requests containing guidance provided to named Plaintiffs' regarding compensation for missed rest periods, subject to a mutually agreed upon Protective Order.

REQUEST FOR PRODUCTION NO. 42:

All documents not produced in response to prior Requests containing guidance provided during the statutory period to Senior Retail Mortgage Lending Consultants, Retail Mortgage Lending Consultants, Senior Field Administrators, and/or Field Administrators regarding compensation for overtime.

RESPONSE TO REQUEST FOR PRODUCTION NO. 42:

Defendant incorporates its General Objections as though set forth fully herein. Defendant also objects to this request on the ground that it is overbroad and therefore seeks information which is neither relevant to the instant action nor reasonably likely to lead to the discovery of admissible evidence. Defendant objects on the ground that the phrases and/or terms "guidance provided" and "compensation for overtime" are vague and ambiguous. Defendant also objects on the ground that discovery is not complete and that trial preparation is ongoing, and Defendant cannot reasonably be expected to formulate a complete response at this stage. Defendant also objects to this request on the ground that it is overbroad and therefore seeks information related to individuals who are not yet confirmed as parties to this lawsuit. Defendant objects to Plaintiffs' attempt to conduct discovery at this stage in the action as it is premature, inappropriate, unduly burdensome and prejudicial to require Defendant to participate in discovery at this time. Moreover, the request is not ripe because Defendant's Motion to Dismiss, or alternatively, Motion to Strike has not been resolved.

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1 Subject to and without waiving the foregoing objections, Defendant responds as
2 follows: Defendant agrees to provide all non-privileged documents not produced in response to
3 prior Requests containing guidance provided to named Plaintiffs' regarding compensation for
4 overtime, subject to a mutually agreed upon Protective Order.

5 Dated: August 13, 2007

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9 LITTLER MENDELSON
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